CHAPTER NO. 111

SENATE BILL NO. 3159

By Graves

Substituted for: House Bill No. 3201

By McDonald, Black

AN ACT To amend Chapter 236 of the Private Acts of 1982; and any other acts amendatory thereto, relative to the general sessions court of Sumner County; to create an additional general sessions court in Sumner County; and to provide for a judge to serve such court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Effective August 1, 2004, there is hereby created and established an additional Court of General Sessions in and for Sumner County, Tennessee which shall be designated "Division III, Court of General Sessions of Sumner County, Tennessee".

SECTION 2. The Judge for Division III, Court of General Sessions of Sumner County, Tennessee shall be required to possess all the qualifications and shall be paid the same compensation as prescribed by general law for general sessions judges and shall take the oath prescribed for such judges. The Judge of Division III shall be elected by the qualified voters of Sumner County at the regular August election in 2004. The judge elected in 2004 to serve Division III shall serve until September 1, 2006, or until such judge's successor is elected and qualified. At the August general election in 2006, and every eight (8) years thereafter, the qualified voters of Sumner County shall elect a person to serve as Judge of Division III for a term of eight (8) years.

SECTION 3. The jurisdiction of Division III of the Court of General Sessions of Sumner County, Tennessee and the judge thereof, shall be the same as that provided by private act or general law for Division I and Division II of the Court of General Sessions of Sumner County, Tennessee. The judges of all Divisions of such court are hereby vested with and shall have interchangeable jurisdiction consisting of all civil and criminal jurisdiction prescribed by general law for judges of general sessions and as set forth in Chapter 481 of the Private Acts of 1949 and Chapter 236 of the Private Acts of 1982.

SECTION 4. If a vacancy occurs for any reason in the office of the Judge of Division III Court of General Sessions of Sumner County, Tennessee, the vacancy shall be filled by appointment of the Sumner County Board of Commissioners of some person qualified to fill such vacancy; and such person so appointed by the Board shall serve until the first day of September following the next biennial August election occurring more than thirty (30) days after such vacancy occurs and until such person's successor is duly elected and qualified.

SECTION 5. The Sumner County Board of Commissioners shall annually make such appropriations of funds as are necessary and appropriate for the orderly operation and administration of the court herein created; and, to the extent necessary, the judges of the various Divisions, the clerks and such other personnel, as may from time to time be employed, shall assist in the preparation of budgets and other information necessary to make proper appropriations for the operation of this Court. Sumner County, upon creation of Division III, and thereafter from time to time, as may be necessary, shall provide the necessary space to provide a courtroom in Gallatin, Tennessee, the necessary

furnishings and supplies and equipment for the proper operation and maintenance of the Court and pay for such expenses out of the County general funds. The regular place for holding such Court shall be in the courtroom provided in Gallatin, Tennessee, but at the discretion of the Judge of Division III, court may be held in any other place or places and at such time and places as the judge may designate.

SECTION 6. Chapter 236 of the Private Acts of 1982, and any acts amendatory thereto, is amended by deleting Section 16 in its entirety and substituting instead the following:

Each July 1, the judges of the General Sessions Courts of Sumner County, Tennessee shall select among themselves a presiding judge. The presiding judge shall be authorized and empowered to set the Courts' dockets, hire personnel associated with the General Sessions Courts of Sumner County, Tennessee and shall be in charge of the general administration of the General Sessions Courts of Sumner County. The presiding judge of the Courts of General Sessions of Sumner County, Tennessee, shall from time to time be authorized and empowered to adopt rules of practice and procedure for the Court provided that they are not inconsistent with the substantive and procedural laws and rules of the State of Tennessee relative to the matters of the jurisdiction of the Court created by this act or that they shall not otherwise be inconsistent with such rules as may from time to time be promulgated by any superior court having supervisory jurisdiction over the Court herein created. The judges of the Courts of General Sessions of Sumner County, Tennessee shall be empowered from time to time to interchange with each other and to hold such respective courts.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sumner County . Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Sumner County and certified to the secretary of state.

SECTION 8. This act shall take effect only if the cost of providing any additional assistant district attorney general, assistant public defender, or other costs associated with the judgeship created by this act are funded by Sumner County, Tennessee, and such funding continues for the term of the judgeship created by this act.
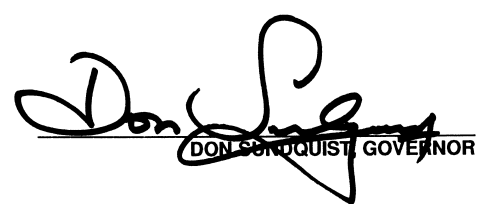
SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For purposes of qualifying for, and seeking election to, the office of judge of the court created by this act, it shall take effect on January 1, 2004. For all other purposes, it shall become effective as provided in Section 7.

PASSED: April 3, 2002

JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 9th day of April 2002

DON SUNDQUIST, GOVERNOR